

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PROFESSOR SAM WISE, DDS, MOM,
MSc, MDS,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
JUSTICE, et al. ,

Defendants.

CASE NO. 2:25-cv-800-JNW

ORDER TO SHOW CAUSE

The Court raises this matter on its own accord.

Plaintiff Dr. Sam Wise filed this complaint on April 24, 2025, Dkt. No. 1, and moved for a temporary restraining order on May 15, 2025, which was denied. Dkt. Nos. 4, 17.¹ The Court issued summonses for various defendants on May 16, 2025, Dkt. No. 6, and June 4, 2025. Dkt. No. 10.

Federal Rule of Civil Procedure 4(m) requires service within 90 days of filing the complaint. If a defendant is not served within that time, the court must dismiss

¹ Dr. Wise filed another cause of action in the Southern District of Texas (4:25-cv-1829) on April 21, 2025, that was transferred to the Western District of Washington. *See* 2:25-cv-1167-JNW, Dkt. Nos. 1, 10.

1 the action unless the plaintiff shows good cause for the delay. The fact that Dr. Wise
2 amended his complaint 51 days after filing his original complaint, Dkt. Nos. 11, 12,
3 “does not restart the 90-day period for service” under Rule 4(m). 1 Steven S.
4 Gensler, Fed. R. of Civ. P., *Rules & Comment*. § 4:94 (2025).

5 The 90-day period under Rule 4(m) expired on July 23. On June 14—several
6 weeks before the deadline—Dr. Wise filed affidavits of service purporting to show
7 service on several defendants. Dkt. Nos. 13; 13-1; 13-2; 13-3, 14. But examination of
8 the affidavits reveals that the summons, complaint, and other documents served on
9 the defendants were from Dr. Wise’s Southern District of Texas case, not this case.
10 It almost goes without saying that effective service of process here must supply the
11 defendants with notice of the pendency of *this* case—notice of an entirely different
12 lawsuit will not suffice. The Court thus finds that Dr. Wise has failed to effectuate
13 proper service under Rule 4.


14 Accordingly, the Court ORDERS Dr. Wise to SHOW CAUSE within 14 days
15 of this order why this action should not be dismissed for failure to comply with Fed.
16 R. Civ. P. 4(m). In his response, Dr. Wise must:

- 17 1. Show that proper service has been made using the correct summons
18 issued by this Court; OR
- 19 2. Show good cause for the failure to serve within the time required by Rule
20 4(m) and why the case should not be dismissed.

21 If Dr. Wise fails to respond within the time specified, or if the response does
22 not adequately address the service deficiencies, the Court will dismiss this action
23 without prejudice.

1 The Clerk of Court will note this Order to Show Cause on the Court's
2 calendar for September 9, 2025.

3 Dated this 26th day of August, 2025.

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5 Jamal N. Whitehead
6 United States District Judge
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